

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

ROBERT CLARK,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:06-CV-536 TS
)	
SUPERINTENDENT MIAMI)	
CORRECTIONAL FACILITY,)	
)	
Respondent.)	

OPINION AND ORDER

Robert Clark, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge his May 7, 1992, criminal conviction in 18D02-9110-CF-65, in the Delaware Circuit Court, which imposed an 8 year and 3 year consecutive sentences. Mr. Clark previously filed a habeas corpus petition seeking to challenge this same conviction in *Clark v. Meloy*, 1:04-cv-1461 (S.D. Ind. filed September 7, 2004).

A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

28 U.S.C. § 2244(b)(1).

Before a second or successive application permitted by [28 U.S.C. § 2244(b)(2) which was not presented in a prior application] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

28 U.S.C. § 2244(b)(3). Here, Mr. Clark has not obtained an order from the court of appeals. “A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original).

For these reasons, the habeas corpus petition is **DISMISSED** for want of jurisdiction and the *in forma pauperis* petition is **DENIED**.

SO ORDERED on September 25, 2006.

S/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION